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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,123	04/15/2004	James Robert Bush		9875

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EXAMINER

WILLIAMS, ROSS A

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/826,123

Applicant(s)

BUSH, JAMES ROBERT

Examiner

Ross A. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/15/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the format of the drawing is incorrect. For example, the telephone number of the applicant should be removed from the drawings. The applicant should also take note of the attached Notice Of Draftsperson's Patent Drawing Review form. Please refer to 37 CFR 1.84 (c). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Specification***

The claims are rejected under 37 CFR 1.71(f) due to the fact that the claims are not on a separate page. Please refer to MPEP 608.01. The applicant is required to submit a new set of claims.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 2 are rejected under 35 U.S.C. 101 because the claimed invention is not directed one of the four categories of invention, 35 USC 101 requires that the claimed invention be claimed as a process (method), a machine (apparatus or system), a manufacture (product), or a composition of matter. According to claim 1 the applicant is claiming a method of allowing a basketball shooting contest to take place between two players in different locations over a high speed network. However, the claims also seem to be claiming a system made up of the various components such as autorebounders, video cameras, scoring sensors, display devices etc. Each independent claim and its dependent claims thereof should be limited to one of the four categories of invention mentioned supra. For the purposes of consideration of the claims on the merits, the claims are being treated as apparatus claims. Correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The method for allowing a basketball shooting contest to take place is not explained. The specification does not explain how the basketball contest is played, how the contest is scored, what rules are applied to this contest, and in what ways are the elements of the apparatus related to the basketball shooting contest.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a

manner as to present a complete operative device. **The claim(s) must be in one sentence form only.** Note the format of the claims in the patent(s) cited.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the steps that show how all the recited elements such as, the autorebounders, video cameras, scoring sensors, display devices, subsidiary computer controllers, master computer controllers, appropriate communication, video analysis and database software all interact with each other. Further according to claim 2, the method of how the communication circuits utilize wire or wireless means is missing.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton (US Patent 6,389,368 B1) in view of Bush (US Patent 6,458,049) further in view of Vaioli et al. (US Patent 5,683,080) further in view of Walker et al. (US Patent 6,224,486 B1).

**Claims 1 and 2:** Hampton discloses a basketball goal sensor apparatus that allows for a basketball-shooting contest between players that are physically located in separate locations. This is accomplished by coupling the two separately located apparatuses together via a network, which can be any combination of conventional networks. As per the limitations set forth in claim 2, these networks can utilize wired or wireless protocols (Hampton Col 3, Lines 24-39). In order for the system that Hampton discloses to function properly, it will inherently utilize the appropriate communication. Hampton also discloses the uses of scoring sensors in the form of a vibration and verification sensor (Hampton Col 3, Lines 41-53). Hampton also discloses the use of a display device that is connected to the scoring system, for the purpose of displaying shooting statistics (Hampton Col 3, Line 13-14). However, Hampton does not disclose the use of an autorebounding system. Hampton also does not disclose the use of video cameras. Hampton does not explicitly disclose the use of a master and subsidiary computer. Hampton also does not disclose a system that utilizes database software.

Bush, however, discloses an auto rebounding system as described (Bush Col 3, line 25-Col 5, Line 47). Vaioli et al. discloses a bowling scoring system that utilizes television cameras to sense the presence of pins on a lane (Vaioli et al. Col 3 Line 1-3; Col 4 Line 1-16). Walker et al. discloses an online tournament system that uses a

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central controller, which can be a server computer, as well as input/output devices that can be personal computers (Walker et al. Col 5, Lines 15-24). For the sake of examination, the examiner is considering a master computer to be a computing device that the subsidiary computers send data to for the purpose of being processed, which is then relayed to the subsidiary computers. The subsidiary computers are considered to be computing devices that send and receive data to and from the master computer. Walker also discloses a system that uses database software managed by a central controller that communicates with the game software for the purpose of conducting the game tournament.

It would also be obvious to one of ordinary skill in the art to be motivated to modify the system that Hampton discloses in view of Bush to utilize an autorebounder system, so that when players are playing the shooting game, they do not have to expend energy and waste time chasing after the basketball, due to the fact that after shooting the ball, the ball does not typically bounce back to the player (Bush Col 1, Lines 23-29, 35-38).

It would be obvious to one of ordinary skill in the art to be motivated to modify the system that Hampton discloses in view of Vaioli et al, to utilize a video camera capable of detecting the position of a player. While Vaioli describes a system that is used in conjunction with a bowling game, the purpose of the monitoring system is to sense the location or position of an object over a given area, such as bowling pins on the lane. This function is analogous to that of using a video camera to detect the position of a player as he is shooting a ball at a certain location. As Vaioli et al. discloses, this



purpose of the system is to provide a player a means to automatically compute a players scores for a game (Col 1, Line 13-16).

It would be obvious to one of ordinary skill in the art to be motivated to modify the system that Hampton discloses in view of Walker to make use of a network system that consists of a master and subsidiary computer relationship. Walker discloses an online tournament system that utilizes a central controller, which can be a server, as well as input/output devices that can be personal computers. The fact that Walker does not term these devices as master or subsidiary is just a matter of design terminology due to the fact that they describe the same type of network relationship (Walker Col 5, Line 15-24).

It would be obvious to one of ordinary skill in the art to be motivated to modify the system that Hampton discloses with that of Walker, to make use of a database for managing the game and scores of players. As Walker describes, the database would allow for a player rating system that is useful in determining the winner of a contest (Walker Col 4, Line 1-4).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Number 5,857,912 to Freitag et al., which discloses a dart game that enables competition between two players in remote locations.

US Patent Number 6,430,453 B1 to Shea, which discloses a bowling system where two players in remote locations can engage in competition.

US Patent Number 5,397,133 to Penzias, which discloses a card playing game that utilizes a video camera for the purpose of game scoring, and also a multimedia communications connection to allow players in remote locations to engage in a card game.

US Patent Number 5,593,349 to Miguel et al., which discloses a tournament system that allows multiple players of a dart machine to engage in competition.

US Patent Number 5,842,929 to Moody et al. that discloses the use of video cameras in a bowling replay system.

US Patent Number 4,999,603 to Melee et al., which discloses a basketball shooting monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross A. Williams whose telephone number is (571) 272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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